

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUN 18 2015

JULIA C. DUDLEY CLERK  
BY:  DEPUTY CLERK

JONATHAN AND KARA REDMAN,

*Plaintiffs,*

v.

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, OCWEN LOAN SERVICING,  
LLC, GLASSER & GLASSER, LLC, AND  
ATLANTIC TRUSTEE SERVICES, LLC,

*Defendants.*

Civil Action No. 3:14-cv-00006-GEC

**AGREED FINAL ORDER DISMISSING ACTION AND  
RESCINDING TRUSTEE'S DEED**

This matter came before the Court on the agreement of the parties, Plaintiffs, Jonathan D. Redman and Kara G. Redman (the "Redmans"), by counsel, and Defendants, Federal National Mortgage Association ("Fannie Mae") and Ocwen Loan Servicing, LLC ("Ocwen"), by counsel, and for the entry of an Order rescinding the foreclosure sale and dismissing this action. It appearing to the Court

THAT from the pleadings and evidence, the Redmans executed a promissory note (the "Note"), on or about April 12, 2007, originally made payable to American Brokers Conduit, as lender, in the original principal amount of \$159,920.00 with interest therein and payable as set forth in the Note;

THAT the Note was secured by a first lien position Deed of Trust (the "Deed of Trust") of even date from the Redmans, as Borrower, and Gary Zell ("Zell"), as Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc. and securing the property located at 5834

Jefferson Mill Road, Scottsville, Virginia 24590, identified with the Tax Map ID of 11500-00-00-11F0 (the "Property");

THAT the Deed of Trust was recorded on April 13, 2007, at Book 3399, Page 390 among the land records of Albemarle County as Instrument No. 3274820017;

THAT the Assignment of Deed of Trust was recorded on July 2, 2013, at Book 4377, Page 483 among the land records of Albemarle County as Instrument No. 32874070003;

THAT by a certain Substitution of Trustee dated September 4, 2013, and recorded on October 1, 2013, among the land records of Albemarle County at Book 4419, Page 99, as Instrument No. 32739040004, Atlantic Trustee Services, L.L.C. was appointed as the Substitute Trustee under the Deed of Trust;

THAT Ocwen Loan Servicing, LLC claimed that the Redmans defaulted under the terms and provisions of the Note and Deed of Trust;

THAT Atlantic Trustee Services, LLC, pursuant to the Deed of Trust and the Code of Virginia, initiated foreclosure proceedings on the Property;

THAT a foreclosure sale of the Property was held on October 16, 2013, wherein the Property was sold to Ocwen Loan Servicing, LLC;

THAT by a certain Trustee's Deed made October 16, 2013, and recorded on November 20, 2013, at Book 4437, Page 228, among the land records of this Court as Instrument No. 032766390007, Atlantic Trustee Services, L.L.C. conveyed the Property to Fannie Mae by Special Warranty of title after Ocwen Loan Servicing, LLC assigned its bid to Fannie Mae;

THAT the Redmans filed a lawsuit in the Circuit Court for Albemarle County, Virginia, *Redman, et ux. v. Federal National Mortgage Association, et al.*, No. 14-21, seeking to unwind the foreclosure sale and set aside the conveyance of the Trustee's Deed;

THAT Fannie Mae and Ocwen removed the state court action to this Court on February 24, 2014;

THAT the parties have resolved their disputes regarding the validity of the foreclosure and seek the equitable relief of this Court in having the foreclosure sale unwound, vesting title to the Property back to the Redmans subject to all liens of record that existed prior to the foreclosure sale, including the Deed of Trust lien, and voiding the Trustee's Deed, rendering it a nullity and of no effect, just as if the foreclosure sale had never occurred;

THAT the parties agree that the avoidance of the Trustee's Deed shall not prejudice or otherwise affect any entity's authority to foreclose on the Property in accordance with the terms of the Deed of Trust and/or Virginia's foreclosure laws, Va. Code Ann. § 55-59 *et seq.*;

THAT the recordation of the Trustee's Deed constitutes a cloud on title;

THAT the parties have no remedy at law, and it is accordingly hereby

**ORDERED, ADJUDGED, AND DECREED** that:

- A. The foreclosure sale of October 16, 2013, is hereby rendered a nullity and of no effect;
- B. The aforementioned Trustee's Deed is hereby rendered a nullity and of no effect;
- C. All liens of record are restored to their original positions against the subject Property as they existed immediately prior to the foreclosure sale, including, but not limited to, the Deed of Trust recorded among the land records of this Court at Book 19968, Page 1497, securing the obligations owed on the Note that was executed on or about April 12, 2007, by the Redmans;

- D. The aforementioned Deed of Trust and Note remain valid and enforceable;
- E. The Clerk of the Court shall record this Order among the land records of Albemarle County, indexing ALL PARTIES as GRANTORS and GRANTEES;
- F. This action is hereby **DISMISSED WITH PREJUDICE**;
- G. The Clerk of the Court shall forward a certified copy of this Order to all parties of record.



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Honorable Glen E. Conrad  
Chief Judge, United States District Court

Dated: JUNE 18, 2015

**WE ASK FOR THIS:**

**JONATHAN REDMAN**

**KARA REDMAN**

By: \_\_\_\_\_/s/  
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**FEDERAL NATIONAL MORTGAGE ASSOCIATION**

**OCWEN LOAN SERVICING, LLC**

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